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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,160	06/25/2003	Albert Chungbor Wan	1033-T00517	3573

60533 7590 11/29/2006

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EXAMINER
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HO, CHUONG T

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,160

Applicant(s)

WAN ET AL.

Examiner

CHUONG T. HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16, 19-24, 26-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendment filed 11/06/06 have been entered and made of record.
2. In view of the Pre-Appeal Brief Request for Review filed on 11/06/06

PROSECUTION IS HEREBY REOPENED. The office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

3. Claims 1-6, 8-16, 17-18, 19-24, 26-46 are pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 6, 8, 9, 19, 24, 26, 27, 37, 38, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. (U.S. Patent No. 2004/0090970 A1) in view of Kristofek et al. (U.S. Patent No. 2004/0088735 A1).

In the claim 1, Sanchez et al. disclose a broadcast overlay network (ATM network) having a ring topology to carry broadcast (see figure 2A, [0039]) traffic from a head-end network; comprising:

A digital subscriber line access multiplexer (DSLAM) having a line interface and a network interface (see figure 3A, figure 4), the interface in communication with the broadcast overlay network (see [0042]), the DSLAM (see [0010]) to receive a request for a particular video channel from a customer premise via the line interface, and to deliver the particular video channel from the network interface to the line interface (see page 17, [0210], [0211]); wherein the DSLAM is further to determine an available of the particular video channel based on a address provided by the request (see page 17, [0210], [0211]).

However, Sanchez is silent to disclosing a group address provided by the request.

Kristofek discloses a group address provided by the request (see [0051]. Class D addresses) (see [0049] [0055], class D address).

Both Sanchez, and Kristofek disclose the IGMP. Kristofed recognizes a group address provided by the request. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sanchez with the teaching of Kristofed to provide a group address provided by the request in order to provide multicast video over an ATM network.

5. In the claim 8, Sanchez et al. disclose a broadcast overlay network (ATM network) having a ring topology to carry broadcast (see figure 2A, [0039]) traffic from a head-end network; comprising:

A digital subscriber line access multiplexer (DSLAM) having a line interface and a network interface (see figure 3A, figure 4), the interface in communication with the broadcast overlay network (see [0042]), the DSLAM (see [0010]) to receive a request for a particular video channel from a customer premise via the line interface, and to deliver the particular video channel from the network interface to the line interface (see page 17, [0210], [0211]); wherein the DSLAM is further to determine an available of the particular video channel based on a address provided by the request (see page 17, [0210], [0211]).

However, Sanchez is silent to disclosing a class-D Internet Protocol (IP) address provided by the request.

Kristofek discloses a class-D Internet Protocol (IP) address provided by the request (see [0051]. Class D addresses) (see [0049] [0055], class D address).

Both Sanchez, and Kristofek disclose the IGMP. Kristofed recognizes a group address provided by the request. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sanchez with the teaching of Kristofed to provide a group address provided by the request in order to provide multicast video over an ATM network.

6. In the claim 19, Sanchez et al. disclose a broadcast overlay network (ATM network) having a ring topology to carry broadcast (see figure 2A, [0039]) traffic from a head-end network; comprising:

A digital subscriber line access multiplexer (DSLAM) having a line interface and a network interface (see figure 3A, figure 4), the interface in communication with the broadcast overlay network (see [0042]), the DSLAM (see [0010]) to receive a request for a particular video channel from a customer premise via the line interface, and to deliver the particular video channel from the network interface to the line interface (see page 17, [0210], [0211]); wherein the DSLAM is further to determine an available of the particular video channel based on a address provided by the request (see page 17, [0210], [0211]).

However, Sanchez is silent to disclosing a group address provided by the request.

Kristofek discloses a group address provided by the request (see [0051]. Class D addresses) (see [0049] [0055], class D address).

Both Sanchez, and Kristofek disclose the IGMP. Kristofed recognizes a group address provided by the request. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sanchez with the teaching of Kristofed to provide a group address provided by the request in order to provide multicast video over an ATM network.

7. In the claim 26, Sanchez et al. disclose a broadcast overlay network (ATM network) having a ring topology to carry broadcast (see figure 2A, [0039]) traffic from a head-end network; comprising:

A digital subscriber line access multiplexer (DSLAM) having a line interface and a network interface (see figure 3A, figure 4), the interface in communication with the broadcast overlay network (see [0042]), the DSLAM (see [0010]) to receive a request for a particular video channel from a customer premise via the line interface, and to deliver the particular video channel from the network interface to the line interface (see page 17, [0210], [0211]); wherein the DSLAM is further to determine an available of the particular video channel based on a address provided by the request (see page 17, [0210], [0211]).

However, Sanchez is silent to disclosing a class-D Internet Protocol (IP) address provided by the request.

Kristofek discloses a class-D Internet Protocol (IP) address provided by the request (see [0051]. Class D addresses) (see [0049] [0055], class D address).

Both Sanchez, and Kristofek disclose the IGMP. Kristofed recognizes a group address provided by the request. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sanchez with the teaching of Kristofed to provide a group address provided by the request in order to provide multicast video over an ATM network.

8. In the claim 6, Sanchez discloses the request comprises an Internet Group Management Protocol (IGMP) request message (see [0210]).

9. In the claim 9, Sanchez discloses the broadcast traffic comprises Internet Protocol (IP) multicast envelopes (see page 17, [0210]).

10. In the claim 24, Sanchez discloses the request comprises an Internet Group Management Protocol (IGMP) request message (see page 17, [0210]).
11. In the claim 27, claim 27 is rejected the same reason of claim 9 above.
12. In the claim 37, claim 37 is rejected the same reason of claim 6 above.
13. In the claim 38, claim 38 is rejected the same reason of claim 9 above.
14. In the claim 44, claim 44 is rejected the same reason of claim 6 above.
15. In the claim 45, claim 45 is rejected the same reason of claim 9 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2-4, 20-22, 35-36, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sanchez – Kristofek) in view of Christian et al. (U.S.6,892,233 B1).

In the claim 2, the combined system (Sanchez – Kristofek) discloses the limitations of claim 1 above.

However, the combined system (Sanchez – Kristofek) are silent to disclosing the overlay network comprises at least one synchronous optical network (SONET) ring.

Christian et al. discloses the overlay network comprises at least one synchronous optical network (SONET) ring (see figure 2).



Both Sanchez, Kristofek, and Christian disclose establishing a data connection between the remote management unit and the remote access function. Christian recognizes the SONET ring comprising an ingress Add-Drop multiplexer (ADM) and egress Add-Drop multiplexer (ADM). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Christian to provide the SONET ring comprising an ingress Add-Drop multiplexer (ADM) and egress Add-Drop multiplexer (ADM) in order to control the set-up and functionality of either directly connected or remote peripheral equipment within SONET/SDH environment.

17. In the claim 3, the combined system (Sanchez – Kristofek) discloses the limitations of claim 2 above.

However, the combined system (Sanchez – Kristofek) are silent to disclosing the at least one SONET ring comprises an ingress add-drop multiplexer (ADM) to receive the broadcast traffic from the head-end network.

Christian discloses the SONET ring comprising an ingress Add-Drop multiplexer (ADM) (see figure 2, 116) and egress Add-Drop multiplexer (ADM) (see figure 2, 106) (see col. 7, lines 58-59, the peripheral equipment 106 is connected to SONET/SDH ring architecture supporting other interconned ADMs 114-116).

Both Sanchez, Kristofek, and Christian disclose establishing a data connection between the remote management unit and the remote access function. Christian recognizes the SONET ring comprising an ingress Add-Drop multiplexer (ADM) and egress Add-Drop multiplexer (ADM). Thus, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Christian to provide the SONET ring comprising an ingress Add-Drop multiplexer (ADM) and egress Add-Drop multiplexer (ADM) in order to control the set-up and functionality of either directly connected or remote peripheral equipment within SONET/SDH environment.

18. In the claim 4, the combined system (Sanchez – Kristofek) discloses the limitations of claim 3 above.

However, the combined system (Sanchez – Kristofek) are silent to disclosing the at least one SONET ring comprises a plurality of egress ADMs including an egress ADM connected to the network interface of the DSLAM.

Christian discloses the at least one SONET ring comprises a plurality of egress ADMs including an egress ADM (figure 1, 14, 18, 20) connected to the network interface of the DSLAM (figure 1, Peripheral 36) (see col. 7, lines 15-17).

Both Sanchez, Kristofek, and Christian disclose establishing a data connection between the remote management unit and the remote access function. Christian recognizes the at least one SONET ring comprises a plurality of egress ADMs including an egress ADM connected to the network interface of the DSLAM. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Christian to provide the at least one SONET ring comprises a plurality of egress ADMs including an egress ADM connected to the network interface of the DSLAM in order to control the set-up and

functionally of either directly connected or remote peripheral equipment within SONET/SDH environment.

19. In the claim 20, claim 20 is rejected the same reason of claim 2 above.
20. In the claim 21, claim 21 is rejected the same reason of claim 3 above.
21. In the claim 22, claim 22 is rejected the same reason of claim 4 above.
22. In the claim 35, claim 35 is rejected the same reason of claim 2 above.
23. In the claim 36, claim 36 is rejected the same reason of claim 3 above.
24. In the claim 42, claim 42 is rejected the same reason of claim 2 above.
25. In the claim 43, claim 43 is rejected the same reason of claim 3 above.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sanchez – Kristofek – Christian) in view of Kenworthy (U.S. Patent No. 6,718,553).

In the claim 5, Christian discloses the SONET ring having the ingress ADM, the egress ADM connected to the network interface of the DSLAM (see figure 1, (see col. 7, lines 15-17).

However, the combined system (Sanchez – Kristofek – Christian) are silent to disclosing the at least one SONET ring comprises a plurality of SONET rings connected by at least one cross connect element, the plurality of SONET rings comprising a first SONET ring and a second SONET ring.

Kenworthy discloses the at least one SONET ring comprises a plurality of SONET rings connected by at least one cross connect element, the plurality of SONET rings (figure 1, interconnect long haul fiber optic network) comprising a first SONET ring (figure 1, fiber optic network 107) and a second SONET ring (figure 1, fiber optic network 113).

Both Sanchez, Kristofek, Christian, and Kenworthy disclose broadcast video (or audio) programs). Kenworthy recognizes the at least one SONET ring comprises a plurality of SONET rings connected by at least one cross connect element (see col. 8, lines 45-47), the plurality of SONET rings comprising a first SONET ring and a second SONET ring. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek – Christian) with the teaching of Kenworthy to provide the at least one SONET ring comprises a plurality of SONET rings connected by at least one cross connect element, the plurality of SONET rings comprising a first SONET ring and a second SONET ring in order to deliver of digital aggregated content bundle to subscribers in multiple markets via closed wide area network derived from available fiber optic assets.

28. In the claim 23, claim 23 is rejected the same reason of claim 5 above.

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 10, 14, 28, 32, 39, 40, 41, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sanchez – Kristofed) in view of Nguyen et al. (U.S. Patent No. 2004/0117503 A1) .

In the claim 10, Sanchez discloses the DSLAM is further to receive, from customer premise via the line interface, a request for a destination in the head-end network, and to deliver the request to a legacy xDSL data network (see page 17, [0210]).

However, the combined system (Sanchez – Kristofek) are silent to disclosing a unicast request for a destination in the head-end network, and to deliver the unicast request to a legacy xDSL data network.

Nguyen discloses where the DSLAM is further to receive, from the customer premise, a unicast request for a destination in the head-end network, and to deliver the unicast request to a legacy xDSL data network (see figure 2, page 2, [0021], the STB 1 sends the DSLAM a Group Join message requesting to join the multicast group for channel 1);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Nguyen to provide a unicast request for a destination in the head-end network, and to deliver the unicast request to a legacy xDSL data network in order to provide video

information such as television programs or movies, audio programs and text based information streams.

- 31. In the claim 14, claim 14 is rejected the same reason of claim 10 above.
- 32. In the claim 28, claim 28 is rejected the same reason of claim 10 above.
- 33. In the claim 32, claim 32 is rejected the same reason of claim 10 above.
- 34. In the claim 39, claim 39 is rejected the same reason of claim 10 above.
- 35. In the claim 40, claim 40 is rejected the same reason of claim 10 above.
- 36. In the claim 41, claim 41 is rejected the same reason of claim 10 above.
- 37. In the claim 46, claim 46 is rejected the same reason of claim 10 above.

***Claim Rejections - 35 USC § 103***

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

39. Claims 11, 12, 15, 16, 29, 30, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sanchez – Kristofek) in view of Kenworthy (U.S. Patent No. 6,718,553).

In the claim 11, the combined system (Sanchez – Kristofek) discloses wherein the DSLAM is further to receive, from the customer premise via the line interface, a unicast request for a destination in the head-end network, and deliver the unicast request to a dedicated data network.

However, the combined system (Sanchez – Kristofek) are silent to disclosing a dedicated data network separate from the broadcast overlay network and separate from a legacy xDSL data network.

Kenworthy discloses dedicated data network (figure 1, interconnected long haul fiber optic network 110) separate from the broadcast overlay network (figure 1, head-end network) and separate from a legacy xDSL data network (figure 1, market A, market B, market C).

Both Sanchez, Kristofek, and Kenworthy disclose broadcast video (or audio) programs). Kenworthy recognizes dedicated data network separate from the broadcast overlay network and separate from a legacy xDSL data network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Kenworthy to provide dedicated data network separate from the broadcast overlay network and separate from a legacy xDSL data network in order to deliver of digital aggregated content bundle to subscribers in multiple markets via closed wide area network derived from available fiber optic assets.

40. In the claim 12, the combined system (Sanchez – Kristofek) discloses the limitations of claim 11 above.

However, the combined system (Sanchez – Kristofek) are silent to disclosing the dedicated data network comprises a virtual private network (VPN).

Kenworthy discloses the dedicated data network comprises a virtual private network (see col. 11, lines 22-25, The local integration headend 115 may also send and

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receive data to and from the Internet backbone 324 via a data router 326. Although reference is made to the Internet backbone 324, those skilled in the art will appreciate that a data network may be employed, such as a virtual private network, a private network, etc. Data received from the data router is also provided to the integration function 308.)

Both Sanchez , Kristofek, and Kenworthy disclose broadcast video (or audio) programs). Kenworthy recognizes the dedicated data network comprises a virtual private network (VPN). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Kenworthy to provide the dedicated data network comprises a virtual private network (VPN) in order to deliver of digital aggregated content bundle to subscribers in multiple markets via closed wide area network derived from available fiber optic assets.

41. In the claim 15, the combined system (Sanchez – Kristofek) discloses the DSLAM is to receive the unicast traffic (see Sanchez, page 17, [0210] a video head end provides statistically configured channels to DSL access multiplexer (DSLAM).

However, the combined system (Sanchez – Kristofek) are silent to disclosing the DSLAM is to receive the unicast traffic via a legacy xDSL data network.

Kenworthy discloses DSLAM is to receive the unicast traffic via a legacy xDSL data network (see fig.1, col. 7, lines 33-35, market A, market B, market C, the central offices 114 can house equipment for handling last-mile delivery 114 and dissemination of the digital aggregated content bundle to the subscribers premises 116).



Both Sanchez, Kristofek, and Kenworthy disclose broadcast video (or audio) programs). Kenworthy recognizes DSLAM is to receive the unicast traffic via a legacy xDSL data network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Kenworthy to provide DSLAM is to receive the unicast traffic via a legacy xDSL data network in order to deliver of digital aggregated content bundle to subscribers in multiple markets via closed wide area network derived from available fiber optic assets.

- 42. In the claim 16, claim 16 is rejected the same reason of claim 12 above.
- 43. In the claim 29, claim 29 is rejected the same reason of claim 11 above.
- 44. In the claim 30, claim 30 is rejected the same reason of claim 12 above.
- 45. In the claim 33, claim 33 is rejected the same reason of claim 15 above.
- 46. In the claim 34, claim 34 is rejected the same reason of claim 16 above.

***Claim Rejections - 35 USC § 103***

- 47. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 48. Claims 13, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sanchez – Kristofek) in view of Kenworthy (U.S. Patent No. 6,718,553 B2) and in further view of Dunn et al. (U.S. Patent No. 6,118,780).

In the claim 13, the combined system (Sanchez – Kristofek) discloses wherein the DSLAM receive a unicast request from the customer premise for a destination in the head-end network (see Nguyen, page 2, [0022]).

However, the combined system (Sanchez – Kristofek) is silent to disclosing the dedicated data network separate from the broadcast overlay network and the legacy xDSL data network.

Kenworthy discloses the dedicated data network (fig.1, 110) separate from the broadcast overlay network (fig.1, 106) and the legacy xDSL data network (fig.1, market A, market b, market c, central office 114 (DSLAM))

Both Sanchez, Kristofek, and Kenworthy disclose broadcast video (or audio) programs). Kenworthy recognizes dedicated data network separate from the broadcast overlay network and separate from a legacy xDSL data network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek) with the teaching of Kenworthy to provide dedicated data network separate from the broadcast overlay network and separate from a legacy xDSL data network in order to deliver of digital aggregated content bundle to subscribers in multiple markets via closed wide area network derived from available fiber optic assets.

However, the combined system (Sanchez – Kristofek – Kenworthy) is silent to disclosing to deliver the unicast request to one of a legacy xDSL data network and a dedicated data network based on policy decision.

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Dunn et al. discloses to deliver the message to data network 20 and a dedicated data network 24 based on policy decision of the local telephone company (see col. 4, lines 24-26).

Both Sanchez, Kristofek, Kenworthy, and Dunn disclose DSLAM, Dunn recognizes to deliver the message to data network 20 and a dedicated data network 24 based on policy decision of the local telephone company. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Sanchez – Kristofek – Kenworthy) with the teaching of Dunn to deliver the unicast request to one of a legacy xDSL data network and a dedicated data network based on policy decision in order to improve special service provided by the PSTN.

49. In the claim 31, claim 31 is rejected the same reason of claim 13 above.

***Allowable Subject Matter***

50. Claims 17-18 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art (20040117503, 20040088735, 20040090970) of record does not appear to teach or render obvious the claimed limitations in combinations with the specific added limitations, as recited from independent claim 17: "a digital subscriber line access multiplexer (DSLAM) having a line interface and a network interface, the network interface in communication with one of the egress ADMs of the second SONET ring, the DSLAM to receive an Internet Group Management Protocol (IGMP) request message for a particular video channel from a customer premise via the line interface to determine an available of the particular video channel based on at least one of a group

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address and a class-D Internet Protocol (IP) address provided by the IGMP request, and to deliver the particular video channel from the network interface to the line interface”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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